

9/5/18
I add up the report and recommendation of Judge Saris
disposes the parties in interest pre trial case
management claim was not stayed

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MANUEL SANABRIA,)
Petitioner,)
v.) Civil Action No. 1:17-cv-12130-PBS
SEAN MEDEIROS,)
Respondent.)

REPORT AND RECOMMENDATION ON RESPONDENT'S
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS
[Docket No. 12]

July 20, 2018

Boal, M.J.

On October 30, 2017, Manuel Sanabria filed, pro se, a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, as amended by the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). Docket No. 1 (the "Petition"). Respondent Sean Medeiros moves to dismiss the Petition. Docket No. 12.¹

For the following reasons, the undersigned Magistrate Judge recommends that the District Judge ALLOW the Respondent's motion to dismiss unless Sanabria, within thirty (30) days, deletes Ground Three in the Petition. If he deletes that ground, the undersigned Magistrate Judge recommends that the Court consider the first two grounds on the merits. If he does not

¹ On November 17, 2017, Judge Saris referred this case to the undersigned for full pretrial case management and a report and recommendation on dispositive motions. Docket No. 10.